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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,322	11/02/2000	Richard Ruben	3188/1H005-US1	4924
7590	03/13/2006		EXAMINER	
Darby & Darby PC 805 Third Avenue New York, NY 10022			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/704,322	Applicant(s) RUBEN ET AL.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-29 is/are rejected.
- 7) ☒ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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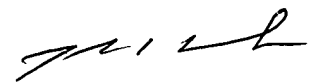
In view of the appeal brief filed on 07 November 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



John Weiss
SPE (AU 3629)

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3 – 4, 6 – 8 and 10 – 29 have been considered but are moot in view of the new ground(s) of rejection. Applicants arguments and concerns are respond in response to pending claims in view of new art cited in this office action.

Claim Objections

Claims 28 and 29 objected to because of the following informalities: Both claims 28 and 29 with same limitations claim dependency on Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3 – 4, 6 – 8 and 10 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

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Receiving status of fulfillment of the service request to be able to maintain fulfillment of the service request, and, communicating the status to the entity requesting the service.

Claim 1 recites the limitations:

"establishing in a computer database at least one vendor entity for the property and the service performed by a said at least one vendor entity" in lines 6 – 7.

"assigning in a computer database the attributes of the authority" in line 8.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 4, 6 – 8 and 10 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeledz et al. US Patent 6,993,576 hereinafter known as Labeledz.

Regarding claims 1 and 16, Labedz teaches managing a real estate property (managing maintenance of a building facility using data transfer between one or more server computers and one or more client computers) [col. 1, lines 64 – 66].

Labedz does not explicitly teaches establishing the lease parameters of the property in a computer database. However, Labedz teaches that their invention can be implemented for managing systems dealing with different entities, such as property management, security guards, tenants of commercial office buildings, elevator services, fire protection services, equipment maintenance, appliance repair, furniture repair, road repair, trucking services, and locks and access control systems [col. 3, lines 31 – 36]. In addition, Labedz teaches capability of tenants of commercial office buildings (one of the lease parameters). Labedz teaches to require user to sign on to the server. it would have been obvious to one of ordinary skill in the art at the time the invention was made that Labedz creates user profiles of the clients which can be tenants of the commercial office building.

However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The customer concern system would be performed regardless of the lease data stored in the database. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Labedz establishes the lease parameters of the

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property in a computer database because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Labeledz teaches:

setting in a computer database at least one user profile of at least one tenant entity located in the property and a property manager entity related to management of the property (plurality of clients) [Fig. 1 and disclosure associated with Fig. 1];

establishing in a computer database at least one vendor entity for the property and the service performed by said at least one vendor entity [Fig. 3, 9, 12 and disclosure associated with Fig. 3, 9, 12];

assigning in the a computer database the attributes of the authority of the a user of at least one of said tenant entity and property management entity relative to the requesting a service for the property (Labeledz teaches capability of checking authority of client, see Fig. 22c) [Fig. 9, 22 and disclosure associated with Fig. 9, 22];

a said user of a tenant entity or property manager entity making a request for a service to be rendered for the property (see Fig. 22a) [Fig. 22 and disclosure associated with Fig. 22],

routing the request for service to one of said at least one vendor entity (see Fig. 22b) [Fig. 22, 23 and disclosure associated with Fig. 22, 23],

maintaining the status of the fulfillment of the service request [Fig. 23 and disclosure associated with Fig. 23; and

communicating the status to the entity requesting the service [Fig. 23 and disclosure associated with Fig. 23].

Regarding claim 3, as responded to earlier in response to claim 1, Labedz teaches setting a user profile of an owner entity related to the property, and assigning at least one attribute of authority to said user of said owner entity.

Regarding claim 4, Labedz teaches plurality of clients who can place work orders. As responded to earlier, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Labedz is capable to function when users are of owner entity, property manager entity and tenant entity.

Regarding claim 6, Labedz teaches setting step of one person is set as a user in two or more of the entities (server creates a list of job sites that are authorized to the user) [col. 14, lines 9 – 11].

Regarding claim 7, Labedz does not explicitly teach a principal user of an entity is assigned the attribute of being able to assign or change the attributes of a another user of the same said entity. However, it is known to one of ordinary skill in the art at the time the invention was made that businesses have implemented systems wherein a principal user (user with an administrator authority) is able to assign or change the attributes of another user. For example, users with administrator authority can create user profiles in WindowsNT, WindowsXP etc.

Regarding claim 8, as responded to earlier, Labedz teaches setting in a computer database a user profile of a system administrator entity, and assigning a user of the system administrator entity the attribute of authority to change the attribute of authority of a user of the a tenant entity of the property (it is known to one of ordinary skill in the art at the time invention was made that computer based applications with user-ids have administrator account which is authorized to create, modify and delete user accounts, for example Windows NT).

Regarding claim 10, Labedz teaches providing communication capability between users of the property manager entity, tenant entity and vendor entity [Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 11, Labedz teaches Internet access for all of the entities [Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 12, Labatz does not explicitly teach checking limit of monetary expenditure of a user a service request However, Labedz teaches checking permission of a user making a service request [Fig. 22 and disclosure associated with Fig. 2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to that Labedz is capable of check limit of monetary expenditure in making a service request.

Regarding claim 13, as responded to earlier, Labatz teaches capability for assigning an attribute of authority to the user of a vendor entity.

Regarding claim 14, Labatz teaches vendor entity (client) entering in the computer database the status of the fulfillment of the service request and communicating the status to the user of the entity requesting the service [Fig. 23 and disclosure associated with Fig. 23].

Regarding claim 15, Labatz teaches:
assigning an Internet domain name to the property (Labatz teaches using internet) [Fig. 1 and disclosure associated with Fig. 2]; and
accessing the data in the a database over the Internet (Labatz teaches using internet) [Fig. 1 and disclosure associated with Fig. 2],

Regarding claim 17, as responded to earlier Labedz teaches plurality of said properties owned by an owner entity are managed by the same property manager entity (property manager entity is a client in Labetz).

Regarding claim 18, as responded to earlier, Labetz teaches setting in a computer database data of an owner entity of each of the plurality of properties (clients of Labetz), data of a property manager of each of the plurality of properties (clients of Labetz), and data as to at least one tenant entity that occupies space in each of the plurality of properties (clients in Labetz).

Regarding claim 19, as responded to earlier, Labetz teaches setting a user profile for at least one user of at least one of the owner entity (clients in Labetz), the property manager entity (clients in Labetz), vendor entity and the tenant entity (clients in Labetz) for each of the plurality of properties, and assigning at least one attribute of authority to each said user.

Regarding claim 20, as responded to earlier, Labetz teaches status of the fulfillment of the service request is communicated to the property manager entity of the property (server updates work request record to reflect the current state, sends notification) [Fig. 23 and disclosure associated with Fig. 23].

Regarding claim 21, Labetz teaches property manager entity (clients in Labetz) and a vendor entity (clients in Labetz) communicate by wireless [Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 22, as responded to earlier, Labetz teaches tenant entity makes the request for a service and the request is routed by the tenant entity to a vendor entity [Fig. 22 and disclosure associated with Fig. 22].

Regarding claim 23, Labetz teaches tenant entity makes the request for a service to the property manager entity who in turn routes the request for service to a vendor entity [Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 24, Labedz teaches property manager entity makes the request for a service directly to a vendor entity [Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 25, Labedz teaches scheduled requests for service; the computer generating the requests ; and routing the request to a vendor entity [abstract, Fig. 22 and disclosure associated with Fig. 22].

Regarding claim 26, Labedz teaches establishing a list of services available for the property in a computer database [Fig. 8 and disclosure associated with Fig. 8], and attributing work processes and business rules to the various services of the list [Fig. 10, 11 and disclosure associated with Fig. 10, 11].

Regarding claim 27, Labedz teaches property is and office building.

Regarding claims 28 and 29, vendor entity (client of Labedz) to whom the request is routed enters the status of fulfillment of the request into a database that is available to the user of the entity requesting the service (user has choice to edit existing data) [Fig. 24 and disclosure associated with Fig. 24].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Test Center Comparison

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

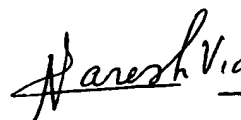
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Naresh Vig". The signature is stylized with a large, looped "N" and a distinct "V".

Naresh Vig
Examiner
Art Unit 3629

March 7, 2006